

REMARKS

Applicant respectfully request entry of the following amendments and remarks in response to the Office Action mailed June 11, 2008. Applicant respectfully submits that the amendments and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 1 – 16 are pending. In particular, Applicant amends claims 11 – 16. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Objections to the Written Description

The Office Action objects to the Written Description because the Cross-Reference Section allegedly needs to be updated to include the current status of the referenced applications. Applicant amends the Written Description, as indicated above, and submits that these amendments overcome the objection.

II. Rejections Under 35 U.S.C. §103

A. Couts in view of Srinivas

1. Claim 1 is Allowable Over Couts in view of Srinivas

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 2003/0120805 (“Couts”) in view of U.S. Patent 7,249,161 (“Srinivas”). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Srinivas* fails to disclose, teach, or suggest all of the elements of claim 1. More specifically, claim 1 recites:

A first communication device comprising:
means for receiving an instant messaging (IM) message
from a sender directed to a first IM address;
***means for prompting the sender to convey the IM
message to a second IM address on a second***

communications device;

means for conveying the IM message to the second IM address on the second communication device; and

means for indicating to the second communication device that the message originated from the sender.

(Emphasis added).

Applicant respectfully submits that claim 1 is allowable over the cited art for at least the reason that neither *Couts* nor *Srinivas*, taken alone or in combination, discloses, teaches, or suggests a “first communication device comprising... ***means for prompting the sender to convey the IM message to a second IM address on a second communications device***” as recited in claim 1. More specifically, the Office Action argues that *Couts* discloses this element because *Couts* “would prompt the system to forward the message to another device” (OA page 3, line 17). Applicant respectfully disagrees. As cited by the Office Action, *Couts* discloses a “potential target user may use a client application to configure a forwarding list of one or more users and define rules that would prompt the system to forward the message to another device” (emphasis added, page 1, paragraph [0010]). Further, *Couts* states “a target user may prepare one or more forwarding lists and corresponding rules that specify conditions that prompt the system to forward the communication message” (emphasis added, page 2, paragraph [0014]). As clearly illustrated in these passages, *Couts* appears to disclose that the system may be prompted to forward a message. This is completely different than prompting a sender to convey an IM message. In fact, nowhere does *Couts* even suggest prompting a user to convey an IM message, not to mention “***means for prompting the sender to convey the IM message to a second IM address on a second communications device***” as recited in claim 1.

Further, *Srinivas* fails to overcome the deficiencies of *Couts*. More specifically, *Srinivas* discloses “facilitating instant messaging (IM) between two domains over an electronic communication network” (column 2, line 63). However, *Srinivas* fails to even suggest “***means for prompting the sender to convey the IM message to a second IM address on a second***

communications device" as recited in claim 1. For at least these reasons, claim 1 is allowable.

2. Claim 2 is Allowable Over Couts in view of Srinivas

The Office Action indicates that claim 2 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 2003/0120805 ("*Couts*") in view of U.S. Patent 7,249,161 ("*Srinivas*"). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Srinivas* fails to disclose, teach, or suggest all of the elements of claim 2. More specifically, claim 2 recites:

A first communication device comprising:
receive logic configured to receive, from a sender, an instant messaging (IM) message directed to a first IM address;
prompt logic configured to prompt the sender to convey the IM message to a second IM address on a second communications device;
convey logic configured to convey the IM message to the second IM address on the second communication device; and
indicate logic configured to indicate to the second communication device that the message originated from the sender.

(Emphasis added).

Applicant respectfully submits that claim 2 is allowable over the cited art for at least the reason that neither *Couts* nor *Srinivas*, taken alone or in combination, discloses, teaches, or suggests a "first communication device comprising... ***prompt logic configured to prompt the sender to convey the IM message to a second IM address on a second communications device***" as recited in claim 2. More specifically, the Office Action argues that *Couts* discloses this element because *Couts* "would prompt the system to forward the message to another device" (OA page 3, line 17). Applicant respectfully disagrees. As cited by the Office Action, *Couts* discloses a "potential target user may use a client application to configure a forwarding list of one or more users and define rules that would prompt the system to forward the message to another device" (emphasis added, page 1, paragraph [0010]). Further, *Couts* states "a target

user may prepare one or more forwarding lists and corresponding rules that specify conditions that prompt the system to forward the communication message" (emphasis added, page 2, paragraph [0014]). As clearly illustrated in these passages, *Couts* appears to disclose that the system may be prompted to forward a message. This is completely different than prompting a sender to convey an IM message. In fact, nowhere does *Couts* even suggest prompting a user to convey an IM message, not to mention "***prompt logic configured to prompt the sender to convey the IM message to a second IM address on a second communications device***" as recited in claim 2.

Further, *Srinivas* fails to overcome the deficiencies of *Couts*. More specifically, *Srinivas* discloses "facilitating instant messaging (IM) between two domains over an electronic communication network" (column 2, line 63). However, *Srinivas* fails to even suggest "***prompt logic configured to prompt the sender to convey the IM message to a second IM address on a second communications device***" as recited in claim 2. For at least these reasons, claim 2 is allowable.

3. Claim 4 is Allowable Over *Couts* in view of *Srinivas*

The Office Action indicates that claim 4 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 2003/0120805 ("*Couts*") in view of U.S. Patent 7,249,161 ("*Srinivas*"). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Srinivas* fails to disclose, teach, or suggest all of the elements of claim 4. More specifically, claim 4 recites:

A communication method comprising:
receiving an instant messaging (IM) message at a first communication device, the IM message being intended for a recipient at a first IM address;
prompting the sender to convey the IM message to a second IM address on a second communications device;
conveying the IM message to the second IM address on the second communication device; and
indicating to the second communication device that the

message originated from the sender.
(Emphasis added).

Applicant respectfully submits that claim 4 is allowable over the cited art for at least the reason that neither *Couts* nor *Srinivas*, taken alone or in combination, discloses, teaches, or suggests a “communication method comprising... ***prompting the sender to convey the IM message to a second IM address on a second communications device***” as recited in claim 4. More specifically, the Office Action argues that *Couts* discloses this element because *Couts* “would prompt the system to forward the message to another device” (OA page 3, line 17). Applicant respectfully disagrees. As cited by the Office Action, *Couts* discloses a “potential target user may use a client application to configure a forwarding list of one or more users and define rules that would prompt the system to forward the message to another device” (emphasis added, page 1, paragraph [0010]). Further, *Couts* states “a target user may prepare one or more forwarding lists and corresponding rules that specify conditions that prompt the system to forward the communication message” (emphasis added, page 2, paragraph [0014]). As clearly illustrated in these passages, *Couts* appears to disclose that the system may be prompted to forward a message. This is completely different than prompting a sender to convey an IM message. In fact, nowhere does *Couts* even suggest prompting a user to convey an IM message, not to mention “***prompting the sender to convey the IM message to a second IM address on a second communications device***” as recited in claim 4.

Further, *Srinivas* fails to overcome the deficiencies of *Couts*. More specifically, *Srinivas* discloses “facilitating instant messaging (IM) between two domains over an electronic communication network” (column 2, line 63). However, *Srinivas* fails to even suggest “***prompting the sender to convey the IM message to a second IM address on a second communications device***” as recited in claim 4. For at least these reasons, claim 4 is allowable.

4. **Claim 11 is Allowable Over *Couts* in view of *Srinivas***

The Office Action indicates that claim 11 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 2003/0120805 ("*Couts*") in view of U.S. Patent 7,249,161 ("*Srinivas*"). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Srinivas* fails to disclose, teach, or suggest all of the elements of claim 11. More specifically, claim 11 recites:

A computer-readable storage medium that includes a program that, when executed by a computer, causes the computer to perform at least the following:

receive an instant messaging (IM) message at a first communication device, the IM message being sent by a sender and intended for a recipient at a first IM address;

prompt the sender to convey the IM message to a second IM address on a second communications device;

convey the IM message to the second communication device at the second IM address; and

indicate to a second recipient that the message originated from the sender.

(Emphasis added).

Applicant respectfully submits that claim 11 is allowable over the cited art for at least the reason that neither *Couts* nor *Srinivas*, taken alone or in combination, discloses, teaches, or suggests a "computer-readable storage medium that includes a program that, when executed by a computer, causes the computer to perform at least the following... ***prompt the sender to convey the IM message to a second IM address on a second communications device***" as recited in claim 11. More specifically, the Office Action argues that *Couts* discloses this element because *Couts* "would prompt the system to forward the message to another device" (OA page 3, line 17). Applicant respectfully disagrees. As cited by the Office Action, *Couts* discloses a "potential target user may use a client application to configure a forwarding list of one or more users and define rules that would prompt the system to forward the message to another device" (emphasis added, page 1, paragraph [0010]). Further, *Couts* states "a target user may prepare one or more forwarding lists and corresponding rules that specify conditions that prompt the system to forward the communication message" (emphasis added, page 2, paragraph [0014]).

As clearly illustrated in these passages, *Couts* appears to disclose that the system may be prompted to forward a message. This is completely different than prompting a sender to convey an IM message. In fact, nowhere does *Couts* even suggest prompting a user to convey an IM message, not to mention “***prompt the sender to convey the IM message to a second IM address on a second communications device***” as recited in claim 11.

Further, *Srinivas* fails to overcome the deficiencies of *Couts*. More specifically, *Srinivas* discloses “facilitating instant messaging (IM) between two domains over an electronic communication network” (column 2, line 63). However, *Srinivas* fails to even suggest “***prompt[ing] the sender to convey the IM message to a second IM address on a second communications device***” as recited in claim 11. For at least these reasons, claim 11 is allowable.

5. Claims 5 and 12 are Allowable Over *Couts* in view of *Srinivas*

The Office Action indicates that claims 5 and 12 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 2003/0120805 (“*Couts*”) in view of U.S. Patent 7,249,161 (“*Srinivas*”). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Srinivas* fails to disclose, teach, or suggest all of the elements of claims 5 and 12. More specifically, dependent claim 5 is believed to be allowable for at least the reason that this claim depends from and include the elements of allowable independent claim 4. Further, dependent claim 12 is believed to be allowable for at least the reason that this claim depends from and include the elements of allowable independent claim 11. Because *Srinivas* fails to overcome the deficiencies of *Couts*, claims 5 and 12 are allowable as a matter of law. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

B. Appelman in view of *Srinivas*

1. **Claim 6 is Allowable Over *Appelman* in view of *Srinivas***

The Office Action indicates that claim 6 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 6,539,421 ("*Appelman*") in view of U.S. Patent 7,249,161 ("*Srinivas*"). Applicant respectfully traverses this rejection for at least the reason that *Appelman* in view of *Srinivas* fails to disclose, teach, or suggest all of the elements of claim 6. More specifically, claim 6 recites:

A communication method comprising:
receiving an instant messaging (IM) message intended for a recipient, the recipient having IM addresses, the IM message including a designated IM address of the IM addresses for delivering the IM message;
determining a presence of the recipient at each of the IM addresses;
prompting the sender to convey the IM message to a second IM address on a second communications device;
conveying the received IM message to the IM addresses at which the recipient is present; and
indicating to a second recipient that the message originated from the sender.
(Emphasis added).

Applicant respectfully submits that claim 6 is allowable over the cited art for at least the reason that neither *Appelman* nor *Srinivas*, taken alone or in combination, discloses, teaches, or suggest a "communication method comprising... ***prompting the sender to convey the IM message to a second IM address on a second communications device***" as recited in claim 6. More specifically, the Office Action argues that *Appelman* discloses this element because *Appelman* apparently states "instant messages can be sent to another user only when the user is presently signed on to the computer service" (OA page 7, line 11). However, as is clearly evident from the passage cited in the Office Action, *Appelman* fails to disclose "***prompting the sender to convey the IM message to a second IM address on a second communications device***" as recited in claim 6.

Further, *Srinivas* fails to overcome the deficiencies of *Couts*. More specifically, *Srinivas* discloses "facilitating instant messaging (IM) between two domains over an electronic

communication network" (column 2, line 63). However, *Srinivas* fails to even suggest "***prompting the sender to convey the IM message to a second IM address on a second communications device***" as recited in claim 6. For at least these reasons, claim 6 is allowable.

2. Claim 7 is Allowable Over Appelman in view of Srinivas

The Office Action indicates that claim 7 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 6,539,421 ("*Appelman*") in view of U.S. Patent 7,249,161 ("*Srinivas*"). Applicant respectfully traverses this rejection for at least the reason that *Appelman* in view of *Srinivas* fails to disclose, teach, or suggest all of the elements of claim 7. More specifically, claim 7 recites:

A communication method comprising:
receiving an instant messaging (IM) message intended for a recipient, the recipient having IM addresses, the IM message including a designated IM address of the IM addresses for delivering the IM message;
determining a last active time for each of the IM addresses;
prompting the sender to convey the IM message to a second IM address on a second communications device;
conveying the received IM message to the IM address having a most recent last active time; and
indicating to a second recipient that the message originated from the sender.
(Emphasis added).

Applicant respectfully submits that claim 7 is allowable over the cited art for at least the reason that neither *Appelman* nor *Srinivas*, taken alone or in combination, discloses, teaches, or suggest a "communication method comprising... ***prompting the sender to convey the IM message to a second IM address on a second communications device***" as recited in claim 7. More specifically, the Office Action argues that *Appelman* discloses this element because *Appelman* apparently states "instant messages can be sent to another user only when the user is presently signed on to the computer service" (OA page 7, line 11). However, as is clearly

evident from the passage cited in the Office Action, *Appelman* fails to disclose “***prompting the sender to convey the IM message to a second IM address on a second communications device***” as recited in claim 7.

Further, *Srinivas* fails to overcome the deficiencies of *Couts*. More specifically, *Srinivas* discloses “facilitating instant messaging (IM) between two domains over an electronic communication network” (column 2, line 63). However, *Srinivas* fails to even suggest “***prompting the sender to convey the IM message to a second IM address on a second communications device***” as recited in claim 7. For at least these reasons, claim 7 is allowable.

3. Claim 13 is Allowable Over Appelman in view of Srinivas

The Office Action indicates that claim 13 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 6,539,421 (“*Appelman*”) in view of U.S. Patent 7,249,161 (“*Srinivas*”). Applicant respectfully traverses this rejection for at least the reason that *Appelman* in view of *Srinivas* fails to disclose, teach, or suggest all of the elements of claim 13. More specifically, claim 13 recites:

A computer-readable storage medium that includes a program that, when executed by a computer, causes the computer to perform at least the following:

receive an instant messaging (IM) message intended for a recipient, the recipient having IM addresses, the IM message including a designated IM address of the IM addresses for delivering the IM message;

determine a last active time for each of the IM addresses;

prompt the sender to convey the IM message to a second IM address on a second communications device;

convey the received IM message to the IM address having a most recent last active time; and

indicate to a second recipient that the message originated from the sender.

(Emphasis added).

Applicant respectfully submits that claim 13 is allowable over the cited art for at least the reason that neither *Appelman* nor *Srinivas*, taken alone or in combination, discloses, teaches, or

suggest a “computer-readable storage medium that includes a program that, when executed by a computer, causes the computer to perform at least the following... ***prompt the sender to convey the IM message to a second IM address on a second communications device***” as recited in claim 13. More specifically, the Office Action argues that *Appelman* discloses this element because *Appelman* apparently states “instant messages can be sent to another user only when the user is presently signed on to the computer service” (OA page 7, line 11). However, as is clearly evident from the passage cited in the Office Action, *Appelman* fails to disclose “***prompt the sender to convey the IM message to a second IM address on a second communications device***” as recited in claim 13.

Further, *Srinivas* fails to overcome the deficiencies of *Couts*. More specifically, *Srinivas* discloses “facilitating instant messaging (IM) between two domains over an electronic communication network” (column 2, line 63). However, *Srinivas* fails to even suggest “***prompt[ing] the sender to convey the IM message to a second IM address on a second communications device***” as recited in claim 13. For at least these reasons, claim 13 is allowable.

4. Claims 8 – 10 and 14 – 16 are Allowable Over *Appelman* in view of *Srinivas*

The Office Action indicates that claims 8 – 10 and 14 – 16 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 6,539,421 (“*Appelman*”) in view of U.S. Patent 7,249,161 (“*Srinivas*”). Applicant respectfully traverses this rejection for at least the reason that *Appelman* in view of *Srinivas* fails to disclose, teach, or suggest all of the elements of claims 8 – 10 and 14 – 16. More specifically, dependent claims 8 – 10 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 7. Further, dependent claims 14 – 16 are believed to be allowable for at least the reason that these claims depend from and include the

elements of allowable independent claim 13. Because *Srinivas* fails to overcome the deficiencies of *Appelman*, claims 8 – 10 and 14 – 16 are allowable as a matter of law. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, all objections and/or rejections have been traversed, rendered moot, and/or addressed, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

/afb/

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